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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,805	12/27/2001	Jody G. Redeperting	UNL 3045.2	1341

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EXAMINER

WONG, EDNA

ART UNIT PAPER NUMBER

1753

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/034,805

Applicant(s)

REDEPENNING, JODY G.

Examiner

Edna Wong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 and 44-46 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-31, 34, 37-43, 47, 48, 50 and 51 is/are allowed.
- 6) ☒ Claim(s) 32, 33, 35, 36 and 49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date "See Other".
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: April 29, 2002 and February 28, 2003.

### ***Election/Restrictions***

Applicant's election without traverse of Group II, claims **20-36**, in the reply filed on April 18, 2005 is acknowledged.

Claims 37-43 (Group III) and 47-51 (Group V) previously withdrawn from consideration as a result of a restriction requirement are now subject to being rejoined. Process claims **37-43 and 47-51** are hereby rejoined and fully examined for patentability. Product claims **1-19 and 44-46** have NOT been rejoined.

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant discloses that Fig. 1 is a diagram of a conventional electrolytic apparatus (page 3, line 23).

***Specification***

The disclosure is objected to because of the following informalities:

page 8, line 13, the word "abut" should be amended to the word -- about --.

Appropriate correction is required.

***Claim Objections***

Claim **20** is objected to because of the following informalities:

**Claim 20**

line 10, it is suggested that the word -- and -- be inserted after the word "ions;".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims **32-33, 35-36 and 49** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 32**

line 1, "the resulting composite coating" lacks antecedent basis.

Claim 33

line 1, "the resulting composite coating" lacks antecedent basis.

Claim 35

lines 1-2, "the resulting composite coating" lacks antecedent basis.

Claim 49

line 2, "(by weight)" [both occurrences] is indefinite. It is unclear if the narrower limitation in the parentheses is, in fact, a claim limitation.

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

Claims **20-36** define over the prior art of record because the prior art does not teach or suggest a method of electrolytically depositing two species simultaneously as a composite coating on an article, the article comprising a substrate, the composite coating comprising a mixture of a calcium phosphate containing compound and chitosan, the method comprising the steps of introducing, introducing and passing as presently claimed.

Claims **37-43** define over the prior art of record because the prior art does not teach or suggest a method of electrolytically coating an article with a composite layer,

the article comprising a substrate, the composite layer comprising a mixture of a calcium phosphate containing compound and chitosan, the method comprising the steps of introducing, introducing, passing, introducing and passing as presently claimed.

Claims **47-51** define over the prior art of record because the prior art does not teach or suggest a method of preparing a substrate having a composite coating thereon, the method comprising the steps of introducing, introducing, passing, removing and evaporating as presently claimed.

The prior art does not contain any language that teaches or suggests the above. *CN 1,309,195 A* teaches an electrochemical deposition process for preparing a Ca-P ceramics/chitosan film on a metal surface. *CN 1,309,195 A* has a publication date of August 22, 2001, and is therefore, not valid prior art. Therefore, a person skilled in the art would not have been motivated to adopt the above conditions, and a prima facie case of obviousness cannot be established.

Claims 32-33, 35-36 and 49 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

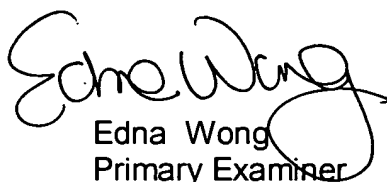
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edna Wong whose telephone number is (571) 272-1349. The examiner can normally be reached on Mon-Fri 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Edna Wong  
Primary Examiner  
Art Unit 1753

EW  
May 5, 2005